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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,369	03/09/2004	Craig L. Schimmel	H0006457-1626	4469

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EXAMINER

RAHMJOO, MANUCHER

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/797,369

Applicant(s)

SCHIMMEL, CRAIG L.

Examiner

Mike Rahmjoo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1- 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Beckwith, Jr. et al (US Patent 5,140,532), hereinafter, Beckwith.

As per claims 1, 7, 11, and 16- 17 and as to the broadest reasonable interpretation by examiner, Beckwith teaches a) selecting a first data point from the elevation data see for example column 5 lines 10- 20 through elevation data displayed by roads, streams and cities; b) setting row and column data to an initial contour value (see for example figures 8- 12 for the x, y coordinate data), the row and column data comprising a first state see for example column 17 lines 54- 55 for the new contour table corresponding to the first state; c) comparing a second data point with the first state for determining an existence of a contour line depending on a result from the step of comparing see for example column 17 lines 3- 15 for the comparing of the adjacent data points for the determination of existence of a contour line; d) updating a first state to a next state, wherein the next state comprises a next row and column data, if the contour line exists see for example column 17 lines 15- 21 for the generation of a signal to display the data point as part of the contour line and column 17 lines 38- 40 for the

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storing the next state in a memory and column 17 lines 45- 55 for the updating from old to the new table corresponding to updating a first state to a next state; e) creating a portion of a contour line image, if the contour line exists see for example column 17 lines 15- 21 for the displaying of the data point as part of a contour line (portion of the entire contour line) upon determination of existence of the contour line, and a display see for example figure 3 block 75 for the display, f) proceeding to the next data point see for example column 17 lines 15- 21 for proceeding to the next data point, g) repeating see for example figures 12- 13 and 19.

As per claim 2 Beckwith teaches proceeding in a predetermined direction see for example column 7 lines 1- 5 for the line segments in a single direction due east.

As per claim 3 Beckwith teaches proceeding in predetermined row and column directions see for example column 12 lines 45- 50 for the row and column data and figures 12- 13 for the predetermined direction with angle.

As per claim 4 Beckwith teaches selecting a contour interval see for example column 16 lines 35- 52 for the identification of contour intervals.

As per claims 5 and 18 Beckwith teaches anti- aliasing the contour line image see for example column 14 lines 10- 15 for line smoothing.

As per claim 6 Beckwith teaches determining if an elevation point row and column data exceeds a current row or column base elevation by a value greater than a contour interval see for example column 16 lines 35- 56 where relative elevation is described and wherein a contour edge line is generated at the **reference** elevation and at every elevation which is an integral interval **above or below the reference**

elevation (exceeding of elevation).

As per claim 8 Beckwith teaches storing the row and column base elevation see for example column 7 line 22- 25 wherein elevation and linear features are included (determined) for navigation and column 17 lines 38- 40 for the storing of the elevation points.

As per claims 9- 10 and 14- 15 and in light of rejection of claim 1, Beckwith teaches drawing and displaying the portion of the contour line image see for example figure 19 block 507 for outputting (drawing) of contour and column 17 lines 15- 21 for the displaying (drawing) of the data point as part of a contour line upon determination of existence of the contour line.

As per claim 12 and in light of rejection of claims 1- 11, Beckwith teaches a) selecting an ordering sequence see for example column 6 lines 56- 67 for the linear features within cultural data which may be stored as a sequence of encoded line segments that is initiated by identifying (selecting) a starting point and the number of segments in the sequence, g) updating the row and column elevation values to a highest contour interval multiples less than an elevation data point see for example column 17 lines 40 wherein the preprocessed information consists of contour interval number, elevation difference to least-adjacent upper interval edge (highest contour interval multiples less than an elevation data point), elevation difference to least-adjacent lower interval edge, and shades of gray level for every elevational value which are then stored as contour table outputs for comparison and smoothing (updating values).

As per claim 13 Beckwith teaches selecting a contour elevation closest to but not exceeding the first elevation value in the row see for example column.16 lines 34- 51 wherein a contour edge line will be generated at the reference elevation and at every elevation which is an integral interval above or below the reference elevation (not exceeding the first elevation value).

Response to Arguments

Applicant's arguments filed 05/10/2005 have been fully considered but they are not persuasive.

As per applicant's remarks on page 6, applicant argues " Beckwith does not maintain state- no state data is recorded and used during the processing of the next data point" and makes a reference to the meaning of state as provided through the specification.

Examiner respectfully disagrees.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., as stated on page 7 line 2 "set to the highest contour interval multiples less than the elevation data point") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

As to the broadest reasonable interpretation by examiner, Beckwith teaches a first state (old contour table) and a second state (new contour table).

Examiner would suggest amending said language from the specification to further distinguish from the prior art made of the reference for rejection.

Applicant argues in 2nd paragraph on page 7 in reference to step b “the Beckwith method compares the data points with each other, it does not save any state information between comparisons”.

Examiner respectfully disagrees.

Examiner fails to see said language as being claimed. Furthermore Beckwith clearly teaches storing to allow contour comparison with the contour table outputs see for example column 17 lines 38- 40.

Applicant argues on page 7 “the second data point is therefore compared with the saved state information and not with the neighboring data points”.

As to the broadest reasonable interpretation by examiner, Beckwith clearly teaches accessing each elevation from the scene memory 35 on column 17 line 35 as corresponding to “saving first and second state information data”. Examiner considers first state information and second state information to be analogous to the old and new contour table respectively.

Applicant argues on page 7 “the present invention is unique in this regard and does not compare directly against neighboring data points” and agrees as to comparing being performed by Beckwith.

In response examiner broadly views any of the neighboring data points as corresponding to "next data point" which is followed by a determination as to the existence of a contour line.

Applicant argues on pages 7- 8 the updating of Beckwith "does not comprise a state but rather accumulation of input data values".

Examiner respectfully disagrees.

As to the broadest reasonable interpretation by examiner, applicant also performs an accumulation of data. On the grounds updating of the contour tables of Beckwith (column 17 lines 45- 55) it is made clear that storing is performed. Merriam-Webster's Collegiate Dictionary, 10th edition defines update as "to bring to date". Therefore the each time said process occurs old information in the contour table are brought to date (first and second state).

Applicant argues on page 8 in reference to step e) "the present invention accumulates an entire image which is then presented to a display mechanism".

Examiner fails to see said "displaying" as being claimed through step e).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

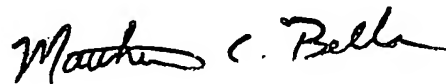
Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Rahmjoo whose telephone number is (571) 272-7789. The examiner can normally be reached on 6:30- 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (571) 272- 7778. The fax phone number for the organization where this application or proceeding is assigned is (703) 872- 9306 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-4357.

Mike Rahmjoo

A handwritten signature in black ink that reads "Matthew C. Bella". The signature is written in a cursive, flowing style.

May 19, 2005

MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600